

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

IN RE: Bard IVC Filters Products Liability  
Litigation,

---

Debra Tinlin and James Tinlin,

Plaintiffs,

v.

C. R. Bard, Inc., a New Jersey corporation;  
and Bard Peripheral Vascular, Inc., an  
Arizona corporation,

Defendants.

No. MDL15-2641-PHX-DGC

No. CV-16-00263-PHX-DGC

**PROPOSED PRELIMINARY INSTRUCTION REGARDING  
REMOTE ATTENDANCE**

Pursuant to Section 1(f) of Case Management Order No. 43 and the Court's instructions at the final pretrial conference, the parties hereby provide the below instruction concerning Plaintiffs' remote attendance at trial.

RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of May, 2019.

BEUS GILBERT PLLC

s/ Mark S. O'Connor

Mark S. O'Connor (011029)

BEUS GILBERT PLLC

701 N 44<sup>th</sup> Street

Phoenix, AZ 85008

Ramon Rossi Lopez

(admitted *pro hac vice*)

CA Bar No. 86361

LOPEZ & McHUGH LLP

Phoenix, AZ 85016-9225

100 Bayview Circle, Suite 5600

Newport Beach, CA 92660

*Co-Lead/Liaison Counsel for Plaintiffs*

NELSON MULLINS RILEY &  
SCARBOROUGH, LLP

s/ Richard B. North, Jr. (with permission)

Richard B. North, Jr. (*pro hac vice*)

Georgia Bar No. 545599

Matthew B. Lerner (*pro hac vice*)

Georgia Bar No. 446986

Atlantic Station

201 17<sup>th</sup> Street NW / Suite 1700

Atlanta, GA 30363

PH: (404) 322-6000

FX: (404) 322-6050

[richard.north@nelsonmullins.com](mailto:richard.north@nelsonmullins.com)

[matthew.lerner@nelsonmullins.com](mailto:matthew.lerner@nelsonmullins.com)

James R. Condo (005867)

SNELL & WILMER LLP

One Arizona Center

400 E. Van Buren

Phoenix, AZ 85004-2204

PH: (602) 382-6000

[jcondo@swlaw.com](mailto:jcondo@swlaw.com)

*Attorneys for Defendants C. R. Bard, Inc.  
and Bard Peripheral Vascular, Inc.*

**Court's Instruction<sup>1</sup>**

Mrs. Tinlin will not be present in the courtroom for trial, but instead will participate in portions of the trial by videoconference from her home in Wisconsin. Mrs. Tinlin is not attending trial because her doctors have advised her not to travel due to medical conditions that are not related to issues in this case.<sup>2</sup> Mr. Tinlin is also in Wisconsin because he is her primary caregiver. You should not draw any inference concerning their claims – whether favorable or unfavorable – as a result of their absence from the courtroom.

---

<sup>1</sup> This instruction is drawn from the Court's proposed instruction at page 8 of the Preliminary Jury Instructions distributed at the final pretrial conference on April 29, 2019.

<sup>2</sup> Plaintiffs maintain, for the reasons stated on pages 8 and 9 of the Parties' Joint Submission of Proposed Jury Instructions, that this sentence should end with the phrase "medical conditions," because the remainder of the sentence constitutes a comment on the evidence before it has been presented.